

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 21, 2002. Claims 24-37 are pending in this patent application. Claims 24-26 and 28-37 stand rejected and Claim 27 stand objected to. Claim 24 has been amended to correct an error in grammar, and Claim 36 has been amended to provide proper antecedent relationship. Neither amendment is related to prior art cited by the Examiner, and neither amendment narrows the scope of the respective claim.

Rejections Under 35 U.S.C. § 112

The Examiner rejects Claim 36 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 36 has been amended to provide proper antecedent relationships.

Rejections Under 35 U.S.C. § 102

The Examiner rejects Claims 24 and 30-37 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent 4,785,930 to Fischer, et al. ("*Fischer*"). Applicant respectfully traverses these rejections, for the reasons discussed below.

To anticipate a claim, each and every limitation must be found in a reference. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

Independent Claim 24 is patentable over *Fischer*, because *Fischer* does not disclose, teach or suggest each element of the claim. For example, Claim 24 includes the limitation "a first flange extending from an outer surface of the storage vessel, the first flange being sized to cooperate with a corresponding second flange extending from an exterior surface of the end cap..." (*Emphasis added*). *Fischer* does not disclose, teach or suggest these

limitations of Claim 24. For at least these reasons, Claim 24 is patentably distinguishable from *Fischer*.

Claims 30-37 each depend, either directly or indirectly, from independent Claim 24. Therefore, Applicant respectfully contends that Claims 30-37 are patentably distinguishable from *Fischer*, for example, for the same reasons discussed above with regard to Claim 24.

Rejections Under 35 U.S.C. § 103

The Examiner rejects Claims 25 and 26 under 35 U.S.C. § 103(a), as being unpatentable over *Fischer* in view of U.S. Patent 3,599,826 to Rocher ("*Rocher*"). Applicant respectfully traverses these rejections, for the reasons stated below.

The Examiner is not clear in this Office Action, as to which reference he relies upon for which claim limitations. For example, as discussed above, the Examiner rejects Claim 24 over *Fischer*, under 102(b). This implies that the Examiner believes that *Fischer* discloses the "first flange" of Claim 24. Applicant traverses this rejection, as *Fischer* includes no such disclosure.

Next, the Examiner rejects Claims 25 and 26 over *Fischer* in view of *Rocher*. In doing so, the Examiner states "*Fischer* discloses the invention except for the backing rings... It would have been obvious to add the backing rings in order to make the sealed closure joint more secure..."(See Office Action, page 3). Once again, this implies that *Fischer* discloses the "first flange" of Claim 24 (as well as the "second flange" of Claim 24). As discussed above, Applicants respectfully disagree with the Examiner, regarding this contention.

The Examiner goes on to state "*Rocher* teaches backing ring (19) which backs the first flange on the storage vessel (11) and also the second flange on the end cap (16)." (See Office Action, Page 3). In this rejection, the Examiner is implying that *Rocher* discloses a first flange and a second flange, without specifying which components (e.g., by reference number) of *Rocher* the Examiner is referring to. Applicant's arguments with respect to the

rejection of Claims 25 and 26 are included below. However, if the Examiner intends to maintain this rejection of Claims 24, 25 and 26, Applicant respectfully requests that the Examiner point out exactly which references allegedly disclose exactly which limitations and/or components, using reference numerals (where appropriate) or at least describing the location and position of such limitations and/or components. In particular, Applicant would like the Examiner to provide an indication of which reference allegedly discloses the first and second flanges of Claims 24-26 using reference numerals from the cited prior art.

Claim 25 includes all of the limitations of Claim 24, and further includes "a first backing ring having an opening configured to receive the storage vessel therethrough, the backing ring contacting a side of the first flange opposite the access opening and being operable to provide support to the first flange." Furthermore, in accordance with Claim 24, the first flange "extends from an outer surface of the storage vessel." The Examiner seems to suggest that the clamping ring (19) of *Rocher* is analogous to the backing ring of Claim 25. However, clamping ring (19) does not support the storage vessel of *Rocher*, nor does it support any "flange" that extends from an outer surface of the storage vessel.

Furthermore, clamping ring (19) of *Rocher* does not include "an opening configured to receive the storage vessel therethrough" as in Claim 25. Instead, clamping ring (19) covers the upper portion of end cap (16), when its in the installed position. (See *Rocher*, FIGURE 2). Similarly, clamping ring (19) does not include "an opening configured to receive the end cap therethrough" as in Claim 26.

The Examiner rejects Claim 28 under 35 U.S.C. § 103(a), as being unpatentable over *Fischer* in view of U.S. Patent 4,733,773 to LaBianca ("*LaBianca*"), and Claim 29 under 35 U.S.C. § 103(a), as being unpatentable over *Fischer* in view of *LaBianca* and U.S. Patent 4,660,733 to Snyder ("*Snyder*"). Claim 28 and 29 each depend from independent Claim 24. As discussed above, none of the cited references include "a first flange extending from an outer surface of the storage vessel, the first flange being sized to cooperate with a corresponding second flange extending from an exterior surface of the end cap", as in Claim 24. Therefore, Applicant respectfully contends that Claims 28 and 29 are

patentably distinguishable from the cited references, and allowance of Claims 28 and 29 is respectfully requested.

The Examiner has objected to Claim 27 as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Based upon the arguments above regarding Claims 24 and 25, Applicants respectfully contend that Claim 27 is allowable as written.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

The Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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MARKED UP VERSION OF SPECIFICATION AND CLAIM AMENDMENTS

For the convenience of the Examiner, all claims have been presented whether or not an amendment has been made. The claims have been amended as follows:

Claims 1-23 have been previously canceled without prejudice or disclaimer.

24. **(Amended)** A container, comprising:
a storage vessel with an interior compartment, and an access opening at one end;
a removable end cap releasably and mechanically coupled to the storage vessel and operable to close the access opening;
a first flange extending from an outer surface of the storage vessel, the first flange being sized to cooperate with a corresponding second flange extending from an exterior surface of the end cap; and
a generally rectangular first stacking lug having a generally cylindrical, tubular interior diameter operable to receive the storage vessel therein.

25. The container of Claim 24, further comprising a first backing ring having an opening configured to receive the storage vessel therethrough, the backing ring contacting a side of the first flange opposite the access opening and being operable to provide support to the first flange.

26. The container of Claim 24, further comprising a first backing ring having an opening configured to receive the end cap therethrough, the first backing ring contacting a side of the second flange opposite the storage vessel and being operable to provide support to the first flange.

27. The container of Claim 25, further comprising a second backing ring having an opening configured to receive the end cap therethrough, the second backing ring contacting a side of the second flange opposite the storage vessel and being operable to provide support to the first flange.

28. The container of Claim 24, wherein the storage vessel is formed from extruded, high-density polyethylene.

29. The container of Claim 24, wherein the stacking lug is formed from rotationally molded, cross-linked, high density polyethylene.

30. The container of Claim 24, further comprising a manual pressure relief valve operable to create a path of fluid communication between the interior compartment and ambient environment.

31. The container of Claim 24, wherein the first stacking lug comprises:
a housing with an opening disposed therethrough, the housing having a first face and a second face opposite the first face; and
a first protrusion on the first face of the housing.

32. The container of Claim 31, further comprising a cavity on the second face adapted to receive a second protrusion of similar size and configuration as the first protrusion, to form a releasable nested fit between the second protrusion and the cavity.

33. The container of Claim 31, wherein the first face is adapted to cooperate with a third face of a separate component of similar size and configuration as the container, such that force from the weight of the separate component is transferred from the third face to the first face when the component is stacked upon the container.

34. The container of Claim 24, wherein the storage vessel and removable end cap are operable to form a pressure vessel.

35. The container of Claim 24, wherein the interior compartment is adapted to receive a round of ammunition therein.

36. (Amended) The container of Claim 24, **[wherein the mechanical fastener includes] further comprising** a lever clamp assembly **being operable to couple the end cap and the storage vessel.**

37. The container of Claim 24 wherein the stacking lug is permanently affixed to the storage vessel.

Claims 38-42 have been previously canceled without prejudice or disclaimer.